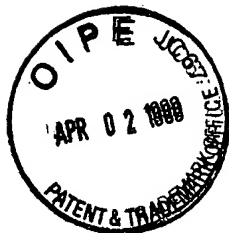


PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail, under 37 C.F.R. §1.8, on March 30, 1999, and is addressed to the Honorable Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
Peter J. Manso, Reg. No. 32,264

Date

March 30, 1999

In re Application of:

Eugenio A. Cefali

Serial No.:

08/962,421

Filing Date:

October 31, 1997

Group Art Unit:

1615

Examiners:

J. Spear

Title:

**INTERMEDIATE RELEASE NICOTINIC ACID  
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA WHICH  
EXHIBIT AN IN VIVO STAIR-STEPPED ABSORPTION CURVE**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

AMENDMENT

This Amendment is responsive to the Office Action mailed on October 2, <sup>1998</sup>~~1999~~ in connection with the above-identified application for U.S. patent. Submitted herewith for consideration by the Examiner is a copy of Dr. Straughn's Declaration, in which the original was submitted in related U.S. patent application, Serial No. 08/814,974. Dr. Straughn's declaration presents evidence which supports "no inherency" and that the formulations described in the O'Neill U.S. Patent No.

04/16/1999 THE APPLICANT  
01 FC:217 43506